

City of Phenix City Merit System Rules and Regulations

*REVISED
Effective March 1, 1994*

RESOLUTION NO. 94-210

WHEREAS, permanent employees working more than 20 hours but less than 40 hours per week have been ineligible for benefits; and

WHEREAS, it is the desire of the City to provide all benefits to these employees to include:

1. Full retirement credit
2. Annual Leave
3. Sick Leave
4. Life Insurance
5. Health Insurance
6. Dental Insurance
7. Holiday Pay
8. Annual pay increases on anniversary date of employment
9. One Time Special Compensation Pay

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Phenix City, Alabama that effective December 1, 1994, the City of Phenix City will provide these benefits.

PASSED, ADOPTED and APPROVED this the 6th day of December, 1994.

ATTEST:

Neal K. Lindsey
CITY CLERK

[Signature]
MAYOR

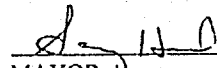
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COUNCILMEMBERS OF PHENIX
CITY, ALABAMA.

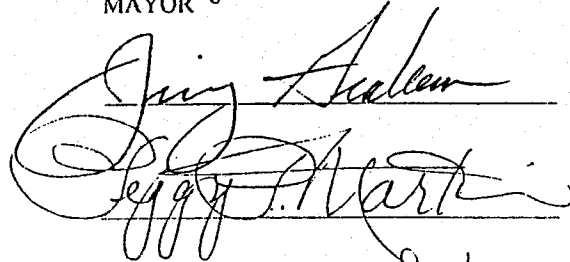
RESOLUTION NO. 96-139

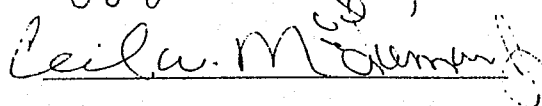
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Phenix City, Alabama:

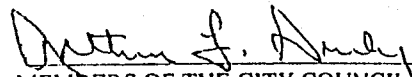
1. That the eighteen (18) step pay plan now in effect shall be revised by decreasing the number of steps from eighteen (18) steps to ten (10) steps.
2. That the ten (10) step pay plan shall include an average increase of twenty percent (20%) City wide based on a salary study by the City of Anniston, Alabama in 1995 which included fourteen (14) cities throughout the State of Alabama. This adjustment to the pay plan of the City of Phenix City put us to the average of other Alabama Municipalities similar in size.
3. That the anniversary date for merit increases shall be changed from the anniversary date of employment to October 1 of each year.
4. That all employees shall be evaluated on their anniversary date for a merit increase, which is October 1, and based on job performance, are eligible for a merit increase to be placed in a step within their appropriate grade on the new ten (10) step pay plan based on the application of the salary study by the City of Anniston, Alabama in 1995, to each job classification of the City of Phenix City.
5. That the merited salary increases for the 1996-97 fiscal year shall be effective with the pay period ending October 4, 1996 and included in the paycheck received by employees on October 11, 1996.
6. That the effective date of the next merit increase shall be on the October 1, 1997 anniversary date.
7. That all changes above shall be effective October 1, 1996 unless otherwise specified.

PASSED, APPROVED AND ADOPTED this 17th day of September, 1996.

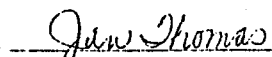

MAYOR






MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

RESOLUTION NO. 97-195

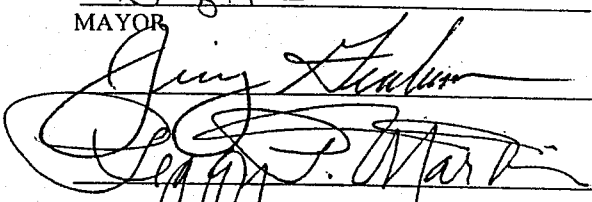
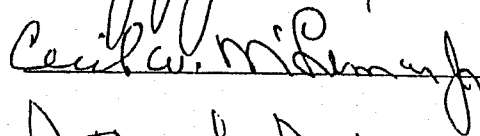
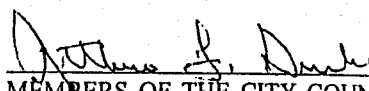
WHEREAS, the Merit System of the City of Phenix City, Alabama, previously allowed a maximum carryover of 91 Sick Leave Days for each eligible employee; and

WHEREAS, an Ordinance has been approved which removes the maximum carryover of 91 Sick Leave Days and allows unlimited accrual of Sick Leave Days.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Phenix City, Alabama, that any Sick Leave Days which have been deleted on current employees due to the maximum carryover allowed by the Merit System shall be immediately reinstated to the employees Sick Leave account.

PASSED, APPROVED AND ADOPTED this 16th day of September, 1997.


MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:

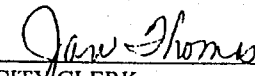

CITY CLERK

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AMENDMENT TO THE MERIT SYSTEM RULES AND

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SAVING CLAUSE

MERIT SYSTEM

SECTION 1

It is the policy of the city to establish a merit-type system of personnel administration such that all personnel decisions will be made on the basis of fairness to individuals, freedom from political interference, and in furtherance of legitimate city objectives. The City Council is responsible for approving the organization of the personnel function, determining positions covered, and establishing lines of authority and responsibility for administration. The personnel function will report to the City Manager who will oversee and supervise the administration of the merit system. Staff assistance to the City Manager will be provided by a Personnel Director who will administer the personnel program. A Personnel Board shall be appointed by the City Council to advise the City Manager on all aspects of personnel administration. The board will have rule-making authority only to the extent such powers are granted by the City Council.

MERIT SYSTEM RULES AND REGULATIONS

1.01 PURPOSE AND SCOPE

The rules and regulations provide for establishing orderly procedures for administering the Merit System in such a way as to insure that:

- A. All personnel actions in the Merit System shall be on the basis of merit and fitness of the individual.
- B. Employment in the service of Phenix City shall be made attractive as a career.
- C. Position classification and compensation plans shall be adopted which will conform with the principles of equal pay for equal work.
- D. An employee performance appraisal system shall be provided whereby economy and effectiveness in governmental services shall be promoted to the mutual benefits of the employees, city officials and the citizens of Phenix City.
- E. Each employee shall be encouraged to render his or her best service to the city.
- F. High morale shall be maintained by fair administration of the rules and regulations and by consideration of the rights and interests of the employees consistent with the best interests of the citizens and the city.

1.02 COVERAGE

These Rules and Regulations shall apply to all positions in the Merit System except those in the Unclassified Service. Provisions with respect to General Provisions, Position Classification Plan, Compensation Plan, Attendance and Leave Regulations and Employee Relations apply to

full-time employees in the Unclassified Service except elected officials, members of the advisory boards, commissions and committees.

1.03 CLASSIFIED SERVICE

*Amendment follows
2005-02*

The Classified Service shall comprise all positions in the city except the following:

- A. City Manager
- B. Aides to the City Manager, in operation of his or her immediate office.
- C. The directors of departments appointed by the City Manager and superintendents of divisions appointed by department heads.
- D. Members of advisory boards, commissions and committees appointed by the Council or the City Manager.
- E. Persons employed in casual employment for brief periods, but not in excess of ninety (90) days because of temporary increase in volume of work or emergency conditions.
- F. Persons under contract to conduct special studies or perform special surveys or services.
- G. City Clerk.
- H. City Attorney.
- I. Municipal Court Judge.

The determination of the Personnel Board shall be final as to whether offices and positions are under the Classified Service. Temporary and provisional employees shall be appointed in accordance with the provisions of the Merit System Rules and Regulations but shall not be entitled to the rights and privileges of the Merit System employees.

1.04 ORGANIZATION FOR MERIT SYSTEM ADMINISTRATION

1.041 CITY COUNCIL

The City Council shall adopt and amend the Merit System Rules and Regulations which shall include a Salary Schedule. A three-fifths (3/5) vote of the full Council shall be required to amend the Rules and Regulations of the Merit System.

1.042 CITY MANAGER

The City Manager shall:

- A. Be responsible for the preparation, amendments and maintenance of the Merit System.

ORDINANCE NO. 2005-02

AN ORDINANCE TO AMEND SECTION 1.03 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 1.03 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 1.03 Classified Service

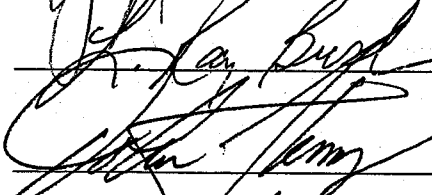
The Classified Service shall comprise all positions in the City except the following:

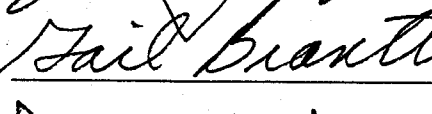
- A. City Manager
- B. Aides to the City Manager, in operation of his or her immediate office.
- C. The Director of departments appointed by the City Manager and superintendents of divisions appointed by department heads.
- D. Members of advisory boards, commissions and committees appointed by the Council or the City Manager.
- E. Persons employed in casual employment for brief periods, but not in excess of ninety (90) days because of temporary increase in volume of work or emergency conditions.
- F. Persons under contract to conduct special studies or perform special surveys or services.
- G. City Clerk.
- H. City Attorney.
- I. Municipal Court Judge
- J. Office Manager and Administrative Assistant to the Mayor, City Manager, City Clerk and Department Heads.


PASSED, APPROVED and ADOPTED this 15th day of February, 2005.

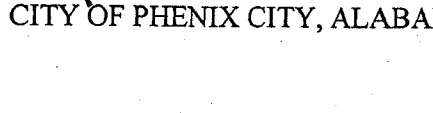



MAYOR











MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:



CITY CLERK

- B. Appoint and remove all subordinate officers and employees, subject to the provisions of the Rules and Regulations, excepting those appointed and removed by the City Council or elected officials.
- C. Make the final decisions regarding acceptance, rejection or modification of advisory opinions received from the Personnel Board.
- D. Perform such other duties and have and exercise such other powers in the personnel administration as may be prescribed by law or the Merit System Rules and Regulations.

1.043 PERSONNEL DIRECTOR

The City Manager shall appoint a Personnel Director who shall be responsible for the administration and technical direction of the Merit System of Phenix City. The Personnel Director shall be chosen on the basis of professional training in the same manner as the heads of other city departments. The Personnel Director shall:

- A. Administer the Merit System Rules and Regulations and issue operating instructions and interpretations of the rules to employees.
- B. Develop and administer such recruitment and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Merit System service.
- C. Prepare and recommend to the City Manager a classification plan and amendments to the plan so that it will reflect on a current basis the duties being performed by each position in the City Service and the class to which the position is allocated.
- D. Administer the compensation plan including the periodic study of wage and salary levels in the labor market and make recommendations to the City Manager for amendments to the compensation plan.
- E. Prepare and recommend such rules or amendments to the Merit System Rules and Regulations, to the City Manager, as may be advisable to carry out the intent and purposes of the Merit System of personnel administration.
- F. Audit all payrolls and payroll changes, direct any corrective actions necessary, strike from the payroll the names of any employees released from city employment and certify the correctness of each payroll.
- G. Establish and maintain a roster of all employees in the City Service.
- H. Develop and establish in cooperation with the City Manager, appointing authorities, employees and others, such training, welfare and educational programs for employees for the purpose of improving the quality of services rendered to the citizens and of aiding employees to equip themselves for advancement in the Merit System.

- I. Consult with the Personnel Board on appropriate Merit System matters requiring their advice and opinions.
- J. Provide staff support to the Personnel Board, and act as Secretary to the Personnel Board.
- K. Perform such other duties and activities not inconsistent with the Act establishing form of government or the Rules, as may be necessary or desirable to enforce the provisions of these Rules, as the City Manager may direct or as may be required by ordinances.

1.044 PERSONNEL BOARD

1.0441 APPOINTMENT - REMOVAL

There shall be a Personnel Board consisting of Seven (7) members who shall be appointed by the Council. The Personnel Board shall designate its own Chairman and Vice-Chairman once each year from the date of its first appointment. Members of the Personnel Board shall serve for a term of three (3) years, except that of the members first appointed, one (1) shall be appointed to serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. Vacancies in an unexpired term shall be filled by the Council by appointment for the remainder of the term. A member of the Personnel Board may be removed by a four-fifths (4/5) vote of the Council.

1.0442 QUALIFICATIONS

Each member of the Personnel Board shall be a qualified elector of the city, shall be known to be in sympathy with the merit principle as applied to the Merit System, shall neither hold nor be a candidate for any public office or employment and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization.

1.0443 AUTHORITY OF THE PERSONNEL BOARD

The principle function of the Personnel Board is to serve in an advisory capacity in the administration of the Merit System of personnel administration. The Personnel Board shall:

- A. Advise and counsel the City Manager on aspects of personnel administration.
- B. Advise and assist the Personnel Director in fostering the improvement of personnel standards in the Merit System.
- C. Represent the public interest in the improvement of personnel administration in the City Service.
- D. Hear appeals in cases of any regular Merit System employee who has successfully completed his probationary period involving dismissals, demotions and suspensions in the method provided in these Rules and Regulations.

- E. Render advisory opinions to the City Manager on personnel matters brought before the Personnel Board.
- F. Make inquiries and investigations as necessary concerning personnel administration in the City Service and make recommendations with respect thereto.
- G. Meet at such times and places as shall be specified by call of the Chairman of the Personnel Board. The board shall hold not less than four regular meetings each calendar year. One in the quarter January - March; one in the quarter April - June; one in the quarter July - September; and one in the quarter October - December. Notice of each meeting shall be given to each member of the Personnel Board and meetings shall be open to the public.
- H. The board and any member of the board shall have the power to administer oaths, call witnesses, and may, with the approval of the City Manager, compel the production of books, records and papers pertinent to any investigation or hearing authorized by the Merit System Rules and Regulations.

1.05 DEFINITIONS

Allocate - The Act of assigning each position to its proper class.

Re-allocate - The assignment of an existing position from one class to another class of work.

Certify - The act of the Personnel Director supplying a department head with the names of applicants who are eligible for appointment to the class and positions in the Merit System for which certification is requested.

Class - A position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be identified by the same class title and which can be equitably compensated within the same salary range.

Class Description - A written document which generally describes a Class and includes typical examples of work of the class as well as the qualifications and guidelines for entrance into the kind of work described.

Class Title - The official designation or name of the class as stated in the Class description which shall be used on all personnel records and actions. Working or office titles may be used in lieu of the Class Title for other than payroll or official purposes.

Continuous Service - Means employment in the City Service which is uninterrupted except for authorized leaves of absence, suspension or separation due to reduction in work force. Time lost due to leaves of absences, suspension or reduction in work force shall not be included in the determination of length of continuous service. Authorized paid leaves of absences shall be included as part of continuous service.

Demotion - The assignment of an employee to a position in a lower class having a lower maximum salary than the class from which the assignment was made.

Eligible - A person listed on an active eligible list.

Eligible List - An employment list, promotional list, reemployment list or reinstatement list.

Employment List - A list of persons who have been found qualified by an entrance examination for appointment to a position in a class.

Incumbent - The person occupying a position.

Job - Refers to a position or to a group of positions identical with respect to their major tasks and duties and sufficiently alike to justify their being covered by a single analysis.

Job Description - Written portrayal of the work activities performed on a particular job which include duties, responsibilities, and possibly other job-related information, such as working conditions, tools, and equipment.

Oral Examination - Is an examination where a candidate spends time in the presence of a three-member panel who are selected by the Personnel Director because of their specialized experience and knowledge. The members of the panel rate the candidate based on the oral testing or interviewing of the candidate. The principal feature of this type of selection technique is the face-to-face contact between the candidate and those interviewing and/or examining him. Oral examinations may be utilized as a portion of the overall examination process.

Performance Examination - A practical test in which the candidate performs a sample of the actual work that is found on the job. To the extent that circumstances permit, an attempt is made to test the candidate under similar conditions as those found in the position for which the application was made. Tools, materials and equipment used are the same as those used in the position for which the candidate is being tested.

Position - A group of duties and responsibilities requiring the full or part-time employment of one person. A position may be occupied or vacant.

Probationary Employee - Any employee who is serving his probationary period prior to being regularly appointed to a permanent position and class in the Classified Service.

Promotion - The assignment of an employee to a position in a higher class having a higher maximum salary than the position from which the assignment was made.

Promotional Examination - An examination or a group of examinations for a position in a certain class, admission to which is limited to employees in the Classified Service and who hold permanent position in another class.

Promotional List - A list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class.

Physical Hours - Those hours the employee was actually on the job. Any leave time paid or unpaid when employee was not on the job not to be construed as physical hours.

Provisional Employee - Any employee filling a position in the Classified Service without competition pending the establishment of an eligible list. (See section 7.12)

Regular Employee - An employee who has been appointed to a permanent position in the Classified Service in accordance with the rules and has satisfactorily completed a probationary period.

Shall - Shall as used in the Merit System is mandatory and may is permissive.

Temporary Employee - An employee holding a position other than permanent, except as provided in these rules, which is of a temporary, seasonal, casual or emergency nature. (See Section 7.10)

Unassembled Examination - An appraisal program where it is not necessary for the applicant to be present at a designated time and place in order that the appraisal information be obtained. Unassembled examinations, in contrast to common, assembled appraisal techniques, written tests, performance tests and interviews, would include the following:

- A. Ratings of education, training and experience.
- B. Inquiries as to, an evaluation of, qualifications including written appraisals, oral inquiries and investigations.
- C. Evaluations and samples of the applicant's work.
- D. Checks as to suitability for public employment.

1.06 COMPETITIVE DIVISION OF THE MERIT SYSTEM

Positions in the Competitive Division of the Merit System shall be filled through competitive examination or through promotion, transfer or reinstatement of present or former employees with Merit System status. The Competitive Division of the Merit system shall consist of all present and future positions in the Merit System except:

- A. Those positions to which appointment is made without competitive examination, but after certification by the Personnel Director that the appointee meets the qualification standards for the position. Employees in the Non-competitive Division shall have all the rights of Merit System employees.
- B. The Non-competitive Division shall consist of unskilled manual laborers and of such other positions for which the Personnel Director recommends and that the Personnel Board concurs that competitive examination is impractical.

1.07 MOVEMENT OF UNCLASSIFIED POSITIONS AND EMPLOYEES INTO MERIT SYSTEM POSITIONS

When unclassified positions are brought into the Merit System by ordinance or act of the City Council, the conversion of the incumbents will be governed as follows unless specific provisions of an act or ordinance provides otherwise:

- A. Incumbents will be given Merit System status if they have been serving in their positions for at least six months on the effective date of the movement of their positions into the Merit System, and they meet the competitive requirements for the position they occupy.
- B. An employee who does not meet the length of service requirement, or who does not meet competitive requirements may be retained in a non-merit status. If the employee lacks the competitive requirements, he may be recommended for conversion at such time as he does meet them.

1.08 SERVICE OF MERIT SYSTEM EMPLOYEES IN UNCLASSIFIED POSITIONS

- A. With the approval of the City Manager, an employee in the Classified Service may be appointed to a position in the Unclassified Service. His/her position in the Classified Service shall be considered vacated and shall be filled by the regular competitive procedures which apply to filling such positions on a permanent basis. The regular employee so appointed to the Unclassified position shall retain his Classified Service Status. *Amendment 2004-43*
- B. If such employee is separated from his unclassified position he shall be returned to his former position or one of equal or similar responsibilities in the Classified Service. In the event the Classified Service classification of such employee has been abolished or otherwise discontinued, such employee shall be placed in a Classified position at the same level as his Classified Service classification for which, in the opinion of the Personnel Director, he/she possesses at least minimum qualifications.
- C. On his return to his classified position the regular incumbent will be credited for incremental pay increases with the time served in the Unclassified position.

1.09 RESPONSIBILITIES OF MERIT SYSTEM EMPLOYEES

Employees are expected to keep in mind that they are servants of the public and to conduct themselves in a manner that will credit the city government, public officials, fellow employees and themselves.

1.091 POLITICAL ACTIVITY

- A. No employee in the City Service shall hold political office during his/her employment. No employee in the City Service shall continue in a position with the City Service after becoming a candidate for nomination or election to, or appointment to, any city office.

ORDINANCE NO. 2004-43

AN ORDINANCE TO AMEND SECTION 1.08 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

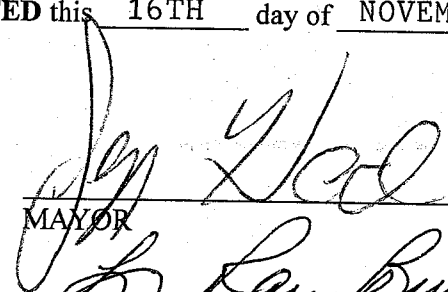
BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 1.08 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

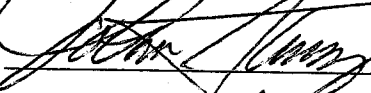
Section 1.08 SERVICE OF MERIT SYSTEM EMPLOYEES IN UNCLASSIFIED POSITIONS

With the approval of the City Manager, an employee in the Classified Service may be appointed to a position in the Unclassified Service. His/her position in the Classified Service shall be considered vacated and shall be filled by the regular competitive procedures which apply to filling positions on a permanent basis. The regular employee so appointed to the Unclassified position shall not retain his Classified Service Status.

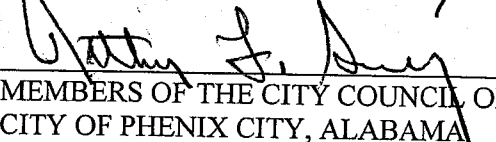
PASSED, APPROVED and ADOPTED this 16TH day of NOVEMBER, 2004.


MAYOR

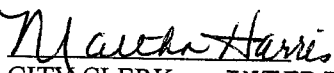

Ray Bush


John King


Gail Brantley


MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK, INTERIM

- B. No person holding a position in the City Service shall take part in the management, affairs or political campaign of any candidate for any political office during his/her working hours.
- C. No employee, official or person shall solicit during employee hours any assessments, contributions, or services for any political party.
- D. Nothing herein contained shall affect the right of the employee to hold membership and support a political party, to vote as he chooses, to express his opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.

1.092 CONFLICT OF INTEREST

To avoid misunderstandings and conflicts of interest which could arise, the following policy will be adhered to by employees of the City of Phenix City.

- A. No city employee shall accept any gifts, including Christmas gifts, favors or service that might reasonably tend improperly to influence him in the discharge of his duties.
- B. No city employee shall use or attempt to use his/her position to secure special privileges or exemptions for himself or others, except as may be provided by policy and/or law.
- C. No city employee shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him/her by reason of his official position.
- D. No city employee shall disclose confidential information gained by reason of his official position, nor shall he otherwise use such information for his/her personal gain or benefit.
- E. No city employee shall have personal investments in any enterprise which will create a substantial conflict between his/her private interests and the public interest.

1.093 OUTSIDE EMPLOYMENT

Merit System employees are discouraged but not restricted from engaging in other employment during their off-duty hours; however, city employment shall be considered the primary employment and no employee may engage in outside employment which would interfere or conflict with the interest of the City Service. Equipment, facilities, vehicles or property of the city shall not be used by employees for any reason other than city business. Request for permission for outside employment shall be made to the department head. Approval for outside employment by the department head is required.

1.094 FAMILY EMPLOYMENT RESTRICTIONS

No member of the immediate family of a city employee who has supervisory authority will be hired by the city on a permanent or temporary basis within the same city

department. Immediate family is defined as blood, marital, or step relative including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, halfsister, or any ward of an employee living within the same household.

1.095 DISCLOSURE OF INFORMATION

Information which is obtained in the course of official duties shall not be released by any employee other than by those charged with this responsibility as part of their official duties.

1.096 UNLAWFUL ACTS PROHIBITED

- A. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of these Rules and Regulations or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage, in a position in the Merit System.
- C. No employee of the Personnel Division, an examiner, or other person shall defeat, deceive or obstruct any person in his right to examination, eligibility, certification or appointment under these Rules and Regulations, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the city Service.
- D. Any officer or employee who violates the provisions of this section shall forfeit his office or position in the City Service.
- E. Any city employee participating in a strike shall be subject to termination from city employment (see Section 14.05).

1.097 RELATIONSHIP OF EMPLOYEES TO CITY COUNCIL

Neither the Council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

1.098 STATEMENT BY CITY EMPLOYEES TO ATTORNEYS, LAW FIRMS, OR OTHERS CONCERNING EMPLOYEES OR CITY BUSINESS.

From time to time any city employee, especially those in supervisory and managerial positions, may be requested to make a statement to an attorney or law firm concerning city business.

Should a city employee receive either a request or subpoena, he should discuss the matter first with the department head and then before making any oral or written statements, the entire matter must be discussed with the City Attorney.

Anyone who does not comply with this rule may be subject to disciplinary action.

1.099 DRESS CODE

*Amended by Ord. # 2003-35
Amended by Ord. # 2005-27*

City employees are expected to maintain acceptable standards of dress and personal appearance. The following are general guidelines for various types of work:

- A. Office work - Attire appropriate to amount and TYPE OF PUBLIC CONTACT (T-shirts, sweatshirts, shorts, jeans and similar clothing are not acceptable).
- B. Service/maintenance work - Clean, neat work clothing or uniform with prescribed safety items.
- C. Public safety work - Prescribed uniform and departmental standards for personal appearance.

Within these guidelines, supervisors will set specific standards of dress and personal appearance in their units.

1.10 USE OF CITY VEHICLES

- A. City employees are permitted to use city-owned vehicles for the performance of their official duties only; under no circumstances are they to be used for personal business or pleasure.
- B. Any employee driving a city vehicle must have on his/her person a valid driver's license issued by the state of residence.
- C. For those vehicles assigned on a 24-hour basis, off-street parking should be provided, where possible, when a vehicle is taken to a place of residence. Safety belts, where available, must be worn at all times. Before a city vehicle can be driven to and from work and kept at the employee's home overnight, the city employee must obtain approval from the department head.
- D. All mechanical defects or malfunctions should be reported as soon as possible to the vehicle maintenance division.

ORDINANCE NO. 2003-35

AN ORDINANCE TO AMEND SECTION 1.099 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 1.099 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 1.099 Dress Code

The employees of the City of Phenix City are representatives of the City, and the appearance of the staff is an important element in the image that the City projects. Each employee is to dress in a manner that presents a professional and business-like appearance. Because every employee may at one time or another come in contact with our citizens, it is important for all employees to be dressed appropriately at work everyday, and/or when driving city vehicles.

Employees shall exercise good taste in their dress. They shall be governed in a manner appropriate for the surroundings into which their assignments take them. Therefore, all City of Phenix City employees shall be governed by the following specifications:

No mini-skirts/dress shorter than two inches above the knees

No shorts

No halter tops, tank tops, muscle shirts, tee shirts, or low necklines

No see through garments or tight fitted clothing

No leggings, stretch pants, jogging suits, wind suits or sweat suits

No hats in the office

No flip flops, slippers or tennis shoes

If provided, city uniforms must be worn at all times during working hours without exception. For jobs not requiring a city uniform, a professional, conservative business image requires that male employees wear slacks or pants, shirts and socks. Appropriate attire for female employees include dresses, skirts and blouses, denim dresses and skirts, pant suits, slacks, business suits and dress shoes, dress sandals and leather shoes. All clothing, including city uniforms must be in good condition and not torn, ragged, or extremely faded. Shirttails shall be tucked in and shirts buttoned appropriately.

Blue jeans are permitted for positions requiring significant work outdoors or in dirty areas, such as inspectors, employees working special events such as Christmas lighting, parades, etc. In general blue jeans are not permitted in office positions that provide daily public service, but may be permitted for a limited number of special occasions. Special occasions will be designated by the City Manager and Personnel Director.

Shorts may be worn by meter readers and recreational workers (center coordinators, etc.) during the months of June, July and August. City issued shirts must be worn at all times. Tennis shoes are acceptable for employees in these positions.

Page 2 of 2
Ordinance No. 2003-35

City identification cards are to be worn at all times while at work.

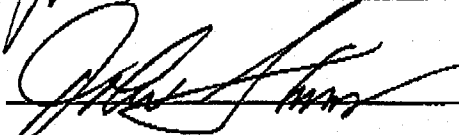
Supervisors and department heads are responsible for enforcing the dress code for their department. This includes counseling employees who are inappropriately dressed and poorly groomed. If clothing or appearance is inappropriate, unduly distracting, or unsafe the employee will be sent home without pay to change clothing. A reasonable accommodation will be made for an employee's religious belief consistent with business necessity, a conservative, professional and business appearance to the public. Dress of grooming issues that cannot be resolved at the department level may be referred to Personnel for assistance. Repeated violations of the City's dress code will result in disciplinary action up to and including discharge.

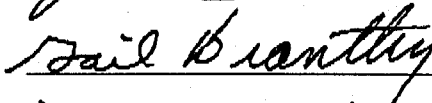
PASSED, APPROVED and ADOPTED this 18th day of November,
2003.



MAYOR









MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:



CITY CLERK

ORDINANCE NO. 2005-27

AN ORDINANCE TO AMEND SECTION 1.099 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

Be it ordained by the City Council of the City of Phenix City, Alabama:

That the Merit System Rules and Regulations of the City of Phenix City, Alabama be amended as follows:

Section 1.099 Dress Code

The employees of the City of Phenix City are representatives of the City, and the appearance of the staff is an important element in the image that the City projects. Each employee is to dress in a manner that presents a professional and business-like appearance. Because every employee may at one time or another come in contact with our citizens, it is important for all employees to be dressed appropriately at work everyday, and/or when driving city vehicles.

Employees shall exercise good taste in their dress. They shall be governed in a manner appropriate for the surroundings into which their assignments take them. City Employees shall at all times when attending any City function during hours as well as after hours present themselves as professionals and dress accordingly.

Therefore, all City of Phenix City employees shall be governed by the following specifications:

- No mini-skirts/dress shorter than two inches above the knees
- No shorts
- No halter tops, tank tops, muscle shirts, tee shirts, or low necklines
- No see through garments or tight fitted clothing
- No leggings, stretch pants, jogging suits, wind suits or sweat suits
- No hats in the office
- No flip flops, slippers or tennis shoes

These specifications shall apply to all employees who may be required to attend after hour administrative meetings, hearings, etc. as well as during work hours.

If provided, city uniforms must be worn at all times during working hours without exception. For jobs not requiring a city uniform, a professional, conservative business image requires that male employees wear slacks or pants, shirts and socks. Appropriate attire for female employees include dresses, skirts and blouses, denim dresses and skirts, pant suits, slacks, business suits and dress shoes, dress sandals and leather shoes. All clothing, including city uniforms must be in good condition and not torn, ragged, or extremely faded. Shirttails shall be tucked in shirts buttoned appropriately.

Blue jeans are permitted for positions requiring significant work outdoors or in dirty areas, such as inspectors, employees working special events such as Christmas lighting, parades, etc. In general blue jeans are not permitted in office positions that provide daily public service, but may be permitted for a limited number of special occasions. Special occasions will be designated by the City Manager and Personnel Director.

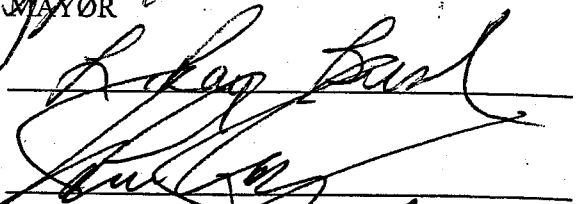
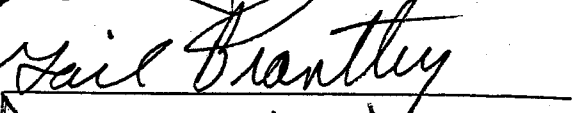

Shorts may be worn by meter readers, recreational workers (center coordinators, etc.) and golf course employees who performs maintenance duties during the months of May, June, July and August. City issued shirts must be worn at all times. Tennis shoes are acceptable for employees in these positions.

Supervisors and department heads are responsible for enforcing the dress code for their department. This includes counseling employees who are inappropriately dressed and poorly groomed. If clothing or appearance is inappropriate, unduly distracting, or unsafe the employee will be sent home without pay to change clothing. A reasonable accommodation will be made for an employee's religious belief consistent with business necessity, a conservative, professional and business appearance to the public. Dress of grooming issues that cannot resolved at the department level may be referred to Personnel for assistance. Repeated violations of the City's dress code will result in disciplinary action up to and including discharge.

All ordinances or parts of ordinances in conflict herewith are hereby repealed by this Ordinance.

PASSED, ADOPTED, AND APPROVED, this 20th day of September, 2005.


MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

1.11 MERIT SYSTEM RULES SUBJECT TO CHANGE

The city reserves the right to change or depart from the Merit System Rules and Regulations. Nothing in these Rules and Regulations shall be construed as an employment contract between any individual and the city covering any term or condition of employment.

EQUAL EMPLOYMENT OPPORTUNITY

SECTION 2

It is the policy of the city to provide equal opportunity in employment and not to discriminate against any employee or job applicant on the basis of race, color, religion, sex, national origin, age, disability or any other factor that does not pertain to the individual's ability to perform a job. It is also the policy of the city to uphold the rights of its employees granted by the U.S. Constitution. This policy will apply to recruiting, hiring, promotion, compensation, demotion, layoff, and termination decisions and includes the right of each employee to be free from sexual and racial harassment. The city is committed to complying with the Civil Rights Act of 1964 (Title VII) as amended, the Age Discrimination in Employment Act 1967 as amended, the Equal Pay Act of 1963 as amended, the Americans with Disabilities Act of 1991 and the administrative regulations and guidelines which are issued in furtherance of these acts. This policy covers all personnel functions and activities; therefore, the general procedures set forth below are supplemented in various other sections.

2.01 DISCRIMINATION IN PERSONNEL DECISIONS

2.011 DISPARATE TREATMENT

All employees and applicants for employment will be treated fairly and consistently in personnel decisions which affect them. These decisions include, but are not limited to:

- A. Recruiting and establishing a pool of applicants for various jobs.
- B. Conducting the selection process for initial employment.
- C. Conducting the performance appraisal process.
- D. Selection of employees for training.
- E. Conducting the selection process for promotions and transfers.
- F. Determination of individual pay and benefits.
- G. Administration of leave.
- H. Nondisciplinary lay-offs or terminations.
- I. Imposing disciplinary actions up to and including termination.

Procedures which address these decision areas must be uniformly followed. Any exceptions must be fully justified and must never be used as a pretext for discrimination on the basis of any impermissible classification.

2.012 DISPARATE IMPACT

The processes for making personnel decisions included in 2.001 above will be free from discriminatory disparate impact which is defined as any practice, procedure or test which has an adverse effect on a protected group defined by federal law and is not necessary for job performance. These include, but are not limited to, recruiting practices, diploma and degree requirements, years of experience requirements, physical requirements, interviews and performance appraisal instruments.

All practices, procedures and tests must be job related based on the requirements of the most recent edition of the "Uniform Guidelines on Employee Selection Procedures" published by the U.S. Equal Employment Opportunity Commission. While it is recognized that some job related practices, procedures and tests may have an adverse effect on certain groups, these items will be continuously evaluated and replaced where possible with alternative means of selection which meet the legitimate needs of the city for efficient and trust worthy workmanship, but with less adverse effect.

In determining whether a practice procedure or test has an adverse effect the 80 percent rule will be used. This rule states that adverse effect exists when the selection rate for the protected group is less than 80 percent of the selection rate for the highest group.

2.013 DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES

The processes used for making personnel decisions included in 2.001 above will be free from discrimination against qualified individuals with disabilities. An employee or applicant with a disability is one who:

- A. Has a physical or mental impairment that substantially limits one or more of his/her major life activities; or
- B. Has a record of such impairment; or
- C. Is regarded as having such an impairment;

A qualified individual with a disability is one who meets the skill, experience, education and other job-related requirements of a position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of a job. The essential functions of each city job will be determined.

Reasonable accommodation is any change in the work environment or the way things are usually done that results in equal employment opportunity for the person with a disability. Reasonable accommodation includes, but is not limited to:

- A. Making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- B. Job restructuring;
- C. Modifying work schedules;
- D. Reassignment to a vacant position;

- E. Acquiring or modifying equipment or devices;
- F. Adjusting or modifying examinations, training materials, or policies;
- G. Providing qualified readers or interpreters.

The city will not provide an accommodation, however, if the change would be excessively costly, extensive, substantial, disruptive or that would fundamentally alter the nature of city operations.

The city will not ask a job applicant about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. The city will not make medical inquiries or conduct a medical examination until after a job offer has been made. The job offer may be conditioned on the results of such an inquiry or examination, but only if this is job related and required for all entering employees in similar jobs.

The city may deny employment to or discharge persons who currently use drugs illegally. The city may also deny employment to or discharge persons whose disability poses a direct threat to the health or safety of himself/herself or others if such risk cannot be reduced to an acceptable level with reasonable accommodation.

All practices procedures and tests will be free from discrimination against qualified individuals with disabilities. In addition to procedures set forth above the city will implement all requirements set forth by the Equal Employment Opportunity Commission.

2.014 SEX DISCRIMINATION

The process use for making personnel decisions will be free from discrimination against individuals based on sex.

The city provides health and benefit plans without regard to sex.

Pregnancy is considered to be a medical disability covered by sick leave. As long as pregnant or potentially pregnant women are as capable of doing their jobs as their male counterparts they will not be compelled to take leave or otherwise forced away from their jobs.

The city will not "channel" applicants to traditional female or male dominated jobs because of sex.

The city will, to the extent possible, use gender-neutral titles for jobs.

The city will not establish hiring standards which tend to deprive individuals of job opportunities unless the standards are job related and apply equally to both sexes.

2.02 SEXUAL HARASSMENT

2.021 SUPERVISORY SEXUAL HARASSMENT *Amended per Ord. # 99.02*

All employees and applicants for employment are protected from unwelcome sexual advances or requests for sexual favors where the response affects, may affect or is perceived to affect any employment decision or term or condition of employment.

Supervisors will, at all times, refrain from making any type of sexual advances or requests to subordinates if there is any indication the conduct is unwelcome, or if submission to the conduct involves a condition of employment, either stated or suggested or if submission is used or might be used for any employment decision.

Supervisors are strongly discouraged from dating or engaging in similar behaviors with subordinates. To be permitted, such relationships must be consensual and must not adversely affect the morale and productivity of the work group.

The subordinate may terminate the relationship at any time, after which any further advances or requests by the supervisor will be deemed to be "unwelcome." Any supervisor who subjects any employee to unwelcome sexual conduct of any nature is subject to disciplinary action, up to and including dismissal.

Any employee who is being sexually harassed by a supervisor may bypass the offending supervisor and complain directly to the supervisor's supervisor, the Personnel Director, the city Manager or Personnel Board as appropriate. Any such complaint will be investigated immediately. No retaliation is permitted against a complaining employee, regardless of the results of the investigation.

2.022 ENVIRONMENTAL SEXUAL HARASSMENT

All employees are protected from sexual harassment by co-workers, supervisors and non-employees even when no employment decisions or terms and conditions of employment are involved. Environmental harassment includes the following:

- A. Unwelcome physical conduct.
- B. Sexually explicit language or gestures.
- C. Uninvited or unwanted sexual advances.
- D. The presence or display of sexually explicit pictures, photographs, or other paraphernalia.
- E. Any other conduct of a sexual nature which interferes with job performance or creates a hostile or intimidating work environment.

Any employee who is subjected to sexual harassment as described above is encouraged to complain to his or her supervisor, but may bypass supervisory channels as provided for in 2.021 above. Any such complaint will be investigated immediately. No retaliation is permitted against a complaining employee, regardless of the results of the investigation.

The work rules and disciplinary procedures of the city will provide for examples of and disciplinary sanctions for prohibited conduct described in sections 2.021 and 2.022. An employee who violates city rules regarding environmental sexual harassment will be subject to disciplinary action up to and including dismissal. If an employee of the city is being sexually harassed by a non-employee, that individual will be directed to cease the unwelcome behavior. If such behavior continues the offending individual will be barred from the workplace.

The rules of the city which govern sexual behavior in the workplace will be designed to maintain standards of conduct which promote a comfortable and motivational workplace.

ORDINANCE NO. 99-02

AN ORDINANCE TO AMEND SECTION 2.02, OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

SECTION 2.02 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

**2.02 CITY OF PHENIX CITY POLICY PROHIBITING
DISCRIMINATION AND SEXUAL HARASSMENT**

I. PURPOSE

- A. To state the City of Phenix City's policy prohibiting discrimination and prohibiting sexual harassment;
- B. To specifically address sexual harassment, by defining what it is, by assisting employees in identifying sexual harassment, by listing types of sexual harassment and some concrete examples, by describing who can be involved in sexual harassment, and by providing employees a procedure by which they can complain of sexual harassment and have their complaints investigated and resolved; and,
- C. To encourage any employee who believes that he or she is a victim of sexual harassment to come forward and voice their complaint to their superiors, so that the City of Phenix City can act to end any sexual harassment.

II. CITY OF PHENIX CITY'S POLICY GOVERNING DISCRIMINATION

It is the policy of the City of Phenix City, and all departments thereof, to provide equal employment opportunity and equal treatment to all employees in all aspects of employment without regard to race, color, religion, sex (including pregnancy), age (40 or over), national origin, or physical or mental disability (of an otherwise qualified individual.)

III. CITY OF PHENIX CITY'S POLICY REGARDING SEXUAL HARASSMENT

It is the policy of the City of Phenix City, and all departments thereof, to prevent sexual harassment and to guard against any occurrence which remotely resembles this illegal act. Sexual harassment lowers morale and is damaging to the work environment. Therefore, the City of Phenix City will treat sexual harassment like any other form of employee misconduct -- it will not be tolerated.

IV. SEXUAL HARASSMENT DEFINED

"Sexual Harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, written or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- B. Submission to or rejection of such conduct by any individual is used as the basis for employment decisions affecting an individual; or
- C. The purpose or effect of such conduct is to substantially interfere with the individual's

work performance or to create a hostile or abusive work environment.

V. IDENTIFICATION OF SEXUAL HARASSMENT

Sexual harassment may occur in a variety of forms. Four categories of sexual harassment and some concrete examples of conduct which may constitute sexual harassment, if unwelcome, are:

- A. **VERBAL** - unwelcome words of a sexual nature directed at another, including: making sexual demands or sexual propositions; sexual innuendoes; demeaning sexual jokes; references to a person's anatomy; catcalls; whistles; demeaning name-calling; remarks on the intimate details of one's life or sexual likes or preferences; and, if unwelcome, invitations for lunch, dinner, drinks, or dates.
- B. **VISUAL** - unwelcome exposure to visual objects such as: pictures, photos, drawings, cartoons, magazines, objects, or posters (including poster calendars); sexually obscene gestures or obvious staring; and, nudity.
- C. **WRITTEN** - notes or letters of sexual content or propositions; sexually-explicit literature, poems, or magazine articles; and obscene words, phrases or graphics on walls, bulletin boards, or posters.
- D. **PHYSICAL** - unwelcome physical contact with another, including: touching, hugging, kissing, patting, fondling, grabbing, rubbing, pinching, and in some instances close physical positioning.

This list does not include all the possible behavior which could be viewed as sexually harassing by the City of Phenix City and which could result in job discipline. It is merely a list of offensive behaviors. Other behavior might be viewed as being sexually harassing depending on the circumstances and frequency in which they occur. Plus, some of the behavior on the list might not in all circumstances be sexually harassing, such as when they are not unwelcome.

Employees are reminded, however, that certain behaviors may be inappropriate for other reasons, even if the behavior is not sexually harassing. For example, intimate behavior at work, such as kissing and hand-holding with a willing partner, is always unprofessional. The City of Phenix City wishes its employees to err on the safe side.

VI. WHO CAN BE INVOLVED IN SEXUAL HARASSMENT

Sexual harassment can occur in a wide variety of circumstances and may encompass many variables. It is important to realize that:

- Victims can be of either gender (male or female);
- Harassers can be of either gender (male or female);
- Harassers may be supervisors of victims, but harassers may also be co-workers or even non-employees;
- Harassers and victims need not be of the opposite gender, if the conduct is still based upon sex;
- Victims may be third-party observers, affected by the behavior of others and exposed to a hostile or abusive atmosphere based upon sex;
- Victims need not suffer any financial loss;
- The sexual harassment need not seriously affect a victim's psychological well-being or lead the victim to suffer injury; instead, conduct or an environment based upon sex that a reasonable person would and does believe to be hostile or abusive constitutes sexual harassment.

VII. IF YOU ARE SUBJECTED TO SEXUAL HARASSMENT, REGISTER A COMPLAINT WITH YOUR SUPERIORS.

Any employee of the City of Phenix City who feels they have been subjected to sexual harassment should register a complaint with their immediate superior. However, if it is their

immediate superior who is the alleged harasser, the employee should register their complaint with the superior next in charge. If all supervisors over the employee are believed to be involved in the sexual harassment, the employee shall register their complaint with the Human Resources Director. Likewise, if an employee believes the Human Resources Director is involved in the sexual harassment, the complaint should be made to a Department Head or the City Manager.

The sexual harassment complaint may initially be made verbally, by talking to the appropriate supervisor. The complaint will then have to be put in writing and signed and dated by the person complaining. An employee may write down their own complaint, or, if the employee wishes, the supervisor will assist the employee in drafting a complaint of sexual harassment.

To the extent practicable, a complaint of sexual harassment will be kept confidential, with due regard to the sensitive nature of such complaints.

VIII. PROMPT INVESTIGATION OF COMPLAINT

The City of Phenix City shall fully, impartially and promptly investigate any sexual harassment complaint filed by one of its employees.

IX. CONFIDENTIAL REPORT OF INVESTIGATION

A confidential written report of the result of the investigation will be submitted to either an impartial supervisor of the complainant or to the City Manager, depending on the situation at hand. Also, the complainant will be promptly informed of the results of the investigation. If the investigation reveals the accused harasser acted in a manner to sexually harass the complainant, the accused employee will also receive a copy of the special investigator's report.

X. PROMPT REMEDIAL ACTION

The City of Phenix City will take prompt action to end any sexual harassment. Following a report finding that sexual harassment in fact occurred, the City of Phenix City shall take immediate steps to discipline the offending employee or employees, including, if appropriate, immediate discharge.

Any City of Phenix City employee who acts in a manner to sexually harass any other City of Phenix City employee, is acting outside the line and scope of their employment with the City of Phenix City.

XI. RIGHT OF REBUTTAL

Both the complaining employee and the employee who has been accused of sexual harassment have the right to submit facts, documents or other evidence contesting the report to a higher supervisor, or the City Manager, if the circumstances so dictate.

XII. RETALIATION PROHIBITED

No employee of the City of Phenix City shall discharge or otherwise discriminate or harass any other City of Phenix City employee who has filed a complaint of sexual harassment under this policy or who has sought redress for sexual harassment with the Equal Employment Opportunity Commission or by instituting an action in Court.

XIII. FALSE CLAIMS

Any employee of the City of Phenix City who knowingly files a false complaint shall be subject to disciplinary action up to and including, if deemed appropriate, termination of employment.

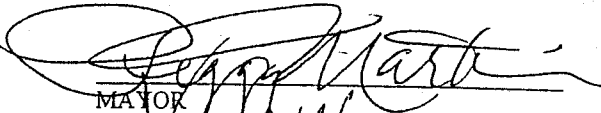
XIV. NOTICE

The City of Phenix City shall take all appropriate steps to inform all employees of the City of Phenix City of the contents of this policy.

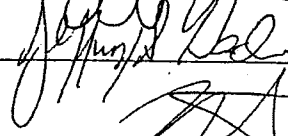
The City of Phenix City encourages employees to come forward if you have a complaint of sexual harassment. We assure each employee that no retaliatory action will be taken or allowed against any employee who asserts a sexual harassment complaint. Remember, if you do not make your complaint known to your superiors, there will not be any opportunity for the City of Phenix City to assist you in ending the sexual harassment.

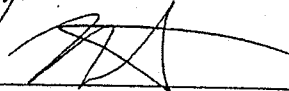
BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

PASSED, ADOPTED, AND APPROVED this the 19th day of January, 1999.



MAYOR





Cecil W. McLemore

Arthur J. Smith
COUNCILMEMBERS OF THE CITY OF
PHENIX CITY, ALABAMA

ATTEST:

Jaw Thomas
CITY CLERK

Accordingly certain behaviors which may subject the offending supervisor or employee to disciplinary action will not necessarily rise to a violation of the law.

2.03 DISCRIMINATION IN PAY

2.031 EQUAL PAY FOR EQUAL WORK

Equal work is defined as jobs which require equal skill, equal effort, equal responsibility and are performed under similar working conditions. For purposes of pay administration, all jobs assigned to a pay grade are considered equal and will receive equal pay. Pay differentials in equal jobs are authorized, however, if such differentials are based on seniority, prior experience job performance, education or other factor not based on sex or other impermissible classification.

2.032 DISPARATE TREATMENT IN PAY

Even if jobs are not equal the city will take no action regarding evaluation, classification, market surveys or pay administration which is designed to disadvantage employees who hold jobs which may be dominated by one sex or other impermissible qualification. While avoiding disparate treatment in pay, the city may establish wage rates which respond to the external job market and will not attempt to compare clearly unequal jobs for purposes of establishing pay.

2.04 AGE DISCRIMINATION IN EMPLOYMENT

2.041 AGE AS A PROTECTED CLASS

All employees and applicants 40 years of age and older are protected against discrimination in personnel decisions as described in 2.01 and against discrimination in pay as described in 2.03. Employees may not be forced to retire because of their age if they are otherwise capable of performing the duties of their jobs except that law enforcement officers and fire fighters may be retired pursuant to a bona fide retirement plan in effect on March 3, 1983. The city will offer the same health care benefits to employees over age of 65 and their spouses as are offered to younger employees.

2.042 REASONABLE FACTORS OTHER THAN AGE

The city may discharge or fail to hire a person who is over 40 years of age based on inadequate job performance, financial exigency or other reasonable factors not based on age.

2.05 DENIAL OF CONSTITUTIONAL RIGHTS OF EMPLOYEES

2.051 DUE PROCESS

City employees have the right to be notified of any adverse action the city proposes to take against them, the reasons for it, and the opportunity to respond. Accordingly any employee facing discharge, demotion, fines or similar action may request and be granted a hearing before an impartial official or committee.

2.052 PROPERTY INTEREST

The city does not recognize that any employee has a property interest in his or her job.

2.053 LIBERTY INTEREST

The city recognizes that each employee has a liberty interest in his or her employment and will not disclose the reasons for any adverse personnel action without due process as provided in 2.051 above.

2.054 FREE SPEECH

The city will not discharge an employee for the exercise of his or her right to free speech unless the city can show a compelling interest in abridgement of this rights and the employee has been granted due process. The right of employees to freedom of speech will not be abridged except in the following situations:

- A. Speech which impairs discipline and harmony in the workplace.
- B. Speech which breaches confidentiality or privileged information.
- C. Speech which impedes job performance.
- D. Speech which jeopardizes close personal loyalty.

2.055 EQUAL PROTECTION

The city will not discriminate against any classification of individuals regardless of whether the classification is prohibited or not prohibited by statutes.

2.056 FREEDOM OF ASSOCIATION

The city upholds the right of free association for employees which includes the right to join or not to join political parties and other groups.

2.057 THE RIGHT TO PRIVACY *amended by Ord. # 97-31*

The city will conduct workplace searches including drug testing only on the basis of reasonable suspicion that a prohibited activity may be taking place. Where public safety is involved however, such as with police officers, fire fighters and emergency medical technicians the city may conduct blanket or random drug testing.

ORDINANCE NO. 97-31

AN ORDINANCE TO AMEND SECTION 2.057, SECTION 4.16, SECTION 16.04, SECTION 16.10, AND SECTION 17.03 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

SECTION 2.057 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 2.057 THE RIGHT TO PRIVACY

The city will conduct workplace searches only on the basis of reasonable suspicion that a prohibited activity may be taking place. However, all employees are subject to post-accident, random and reasonable cause drug and/or alcohol testing.

Section 4.16 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 4.16 BENEFITS AND SERVICES

- A. Leave and Holidays - (Refer to Sections 16.04 - 16.12)
- B. Life Insurance - The city will provide a \$5,000 term life insurance policy to a named beneficiary after 12 months of service for each regular and probationary full-time employee. Assignment will not be accepted.
- C. Health Insurance - The first of the month following three (3) months of employment, the city will offer regular full-time and regular probationary employees health and dental insurance at no cost to the employee. Dependent coverage will also be offered, however, the employee will contribute 100 percent of the cost.

The City of Phenix City will pay the individual health insurance premiums on an employee for a period of six months after the employee has exhausted all annual and sick leave benefits. After this time, if the employee wishes to remain on the group policy, it will be their responsibility to reimburse the City for the cost of this premium prior to the billing due date for the group.

- D. Retirement Plan - The city will offer retirement benefits through the Retirement Systems of Alabama to regular and probationary full-time employees or as required by the Retirement Systems of Alabama. Members of the system will contribute five percent of their earnings, and the city will contribute the prescribed amount. Employees may retire at age 60 with 10 years of service or at any age with 25 years of service.
- E. Credit Union - The city may provide a full-service credit union with procedures for payroll deductions.
- F. Deferred Compensation - The city may arrange tax shelters for employees who participate in retirement and insurance programs made available by the city in accordance with current regulations of the Internal Revenue Service.
- G. Employee Assistance - The city may arrange through medical and mental health abuse providers a means by which employees can address substance abuse and mental health problems. To the extent possible, the cost of these programs will be paid by insurance carriers.

year. When such time is required, for example, to meet with a teacher, lawyer, loan officer, mechanic, home repair person, etc., the employee will notify his immediate supervisor as far in advance as possible, to see if this time can be scheduled. Unless the supervisor has a very difficult scheduling problem, the time off will be granted. Employees must have sick time accrued to utilize this personal time.

It should be clearly understood that each employee is not being given eight hours of personal leave nor should it be so considered. It is provided to enable an employee to take care of legitimate needs.

Personal leave shall generally be limited to a 2 or 3 hour time period. However, for exceptional cases, and with the approval of the department head, the time period may be longer.

- E. Sick leave shall not be granted for nursing service of the employee's family (beyond the 24 hour allowance) when such service can be supplied by others on a paid or unpaid basis, day care for the employee's children, housekeeping services, or in place of annual leave.
- F. After completion of six months of continuous service, the employees shall be eligible to use such leave as earned, subject to the provisions of these rules.
- G. An employee making a departmental transfer will retain any credited unused sick leave.
- H. Accumulated sick leave may be used for meeting length of service required for service retirement eligibility if allowed by Retirement Plan.
- I. Absences due to sickness, injury, personal leave or family illness which extend beyond an employee's sick leave and/or allowances, will be charged to annual leave. If no annual leave exists, the absence is leave without pay. (See section 16.15)

Section 17.03 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 17.03 DRUG TESTING

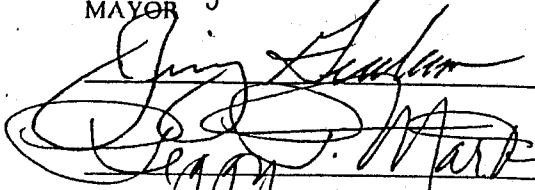
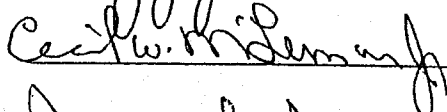
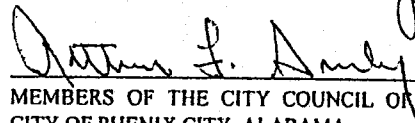
All city employees will be subject to random drug testing; such testing will be on a random basis both in frequency and in selection of employees to be tested. Random testing shall be permitted for any employee upon reasonable suspicion.

BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

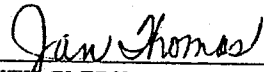
PAGE 5 OF 5 OF ORDINANCE NO. 97-31

PASSED, APPROVED AND ADOPTED this 16th day of September, 1997.


MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

POSITION CLASSIFICATION PLAN

SECTION 3

It is the policy of the city to classify jobs on the basis of difficulty of duties, level of responsibility, and qualifications. The fundamental basis of classification is the job itself rather than the employee who occupies it. The Personnel Director has the responsibility for exercising all aspects of position control over positions in the approved classification plan and in the established budget. The establishment of additional positions and other revisions to the classification plan can be authorized by the City Manager subject to the approval of the City Council.

3.01 COMPOSITION OF THE CLASSIFICATION PLAN

The classification plan is comprised of written class descriptions for each class of work included in the Merit System. Class descriptions are used as guides in recruiting and examining candidates for employment, in determining the lines of promotion and development of training programs, in determining salary relationships, and in providing uniform job terminology to convey the same meaning to all concerned.

3.02 POSITION AUDIT PROCEDURE

The Personnel Director is charged with the responsibility of initiating position audits of any and all Merit System positions at any time. Other position audits may be initiated by written request to the Personnel Director from:

- A. The City Manager.
- B. The head of the department in which the specific position is located.
- C. The incumbent of the position to be audited.
- D. The Personnel Board.

Position information can be gained through completion of a Position Classification Questionnaire by the incumbent or supervisor, if vacant, and/or through field studies of the position, which may include an interview with the incumbent by Personnel Division staff. The appropriate department head should review and make recommendations to the Personnel Director on all proposed new positions or changes in current position descriptions.

3.03 DETERMINATION OF CLASSES

Upon certification of funds and verification of proposed class(es) by the Finance Director, the Personnel Director shall propose new and/or revised work classes, as well as abolition of existing or obsolete classes, to the City Manager for appropriate action.

3.04 ALLOCATION AND RE-ALLOCATION OF POSITIONS

Having approved the content of the positions and received the certification of funds, the Personnel Director shall allocate newly created positions to an existing class in the position classification plan or to a new classification, pending type of position and the availability of an appropriate existing class. Allocations or re-allocations of positions based on reorganization or the assumption of new functions shall be reserved for recommendation by the Personnel Director and approval by the City Manager.

3.05 STATUS OF AN INCUMBENT IN RE-ALLOCATED POSITIONS

When an incumbent is officially assigned more difficult and significant additional responsibilities and duties so that the position may warrant re-allocation to a higher class, the Personnel Director shall perform a field study of the present duties and responsibilities of the position. If it is determined that the position should be re-allocated to a higher class, the Personnel Director may require that the incumbent undergo a prescribed test of fitness, depending on the conditions of the re-allocation and the nature of the position to be re-allocated.

3.06 POSITION CONTROL

All positions in the Merit System are established and maintained through an annual personnel budget in accordance with established budget and accounting procedures. The establishment of new or additional positions can only be authorized by the City Manager based on adequate justification of need and availability of funds.

3.07 ADMINISTRATION OF THE CLASSIFICATION PLAN

The Personnel Director shall be charged with the maintenance and the administration of the classification plan so that the classes of work will reflect the duties included in each of the Merit System's positions and proper allocation of each position to one of the classes. The Personnel Director shall periodically review the entire classification plan and recommend additions, re-allocations, or revisions to the City Manager for appropriate action.

3.08 ADOPTION AND AMENDMENT OF THE CLASSIFICATION PLAN

The City Manager shall present the classification plan to the City Council for adoption; re-allocations, additions, or revisions shall be subject to approval by the City Manager.

COMPENSATION PLAN

SECTION 4

It is the policy of the city that pay levels for jobs shall be based on skill, effort, and responsibility of the job relative to other jobs and on the conditions under which the work is performed. Pay levels shall also be based on wage rates for similar jobs in the relevant labor market, with the objective of matching these pay rates; subject, however, to the availability of funds. In determining equitable levels of compensation relative to the labor market, this comparison will also consider the values of benefits received by city employees. Pay received by individuals shall be within the established range for the job. Individual pay adjustments shall be based on job performance, skills acquired, and other employee contributions.

Compensation programs will be carried out in accordance with federal and state laws and regulations as these apply to wages and hours, employment relationships, overtime, equal pay for equal work, and non-discrimination based on race, color, national origin, religion, sex, age, or disability.

The City Manager will review and recommend council approval for annual pay adjustments. The Personnel Director will develop and obtain approval for compensation procedures based on this policy, maintain records, and ensure compliance with laws and regulations. Department heads and supervisors will review and appraise job performance and recommend pay adjustments for subordinate employees based on approved procedures.

4.01 COMPENSATION PLAN

The compensation plan consists of a salary schedule showing pay grades and steps within the grades, the compensation attached to each step, and a schedule listing the assignment of each class in the classification plan to its appropriate pay grade in the salary schedule.

4.02 ADOPTION OF THE COMPENSATION PLAN

The Personnel Director shall prepare and present to the City Manager a proposed or amended compensation plan and salary schedule. The City Council shall adopt the salary schedule to be effective during the next fiscal year or at such time as the council may designate.

4.03 ASSIGNMENT OF CLASSES TO PAY GRADES

The Personnel Director shall submit to the City Manager the recommended assignment of each class in the classification plan to one of the pay grades in the salary schedule.

4.04 MAINTENANCE OF A COMPETITIVE COMPENSATION PLAN

At least once every three years, the Personnel Director shall make or cause to have made a comparative study of salaries and related practices of a comparable sampling of employers in the area labor market. The Personnel Director shall utilize the information in evaluation of the salary schedule and in assignment of classes to pay grades.

4.05 NEW APPOINTMENTS

A new employee shall be paid at the first step of the assigned pay grade; the Personnel Director and the City Manager may authorize payments above the minimum when the appointee possesses qualifications well in excess of the minimum qualifications and/or when necessary to attract qualified applicants.

4.06 PROMOTIONS AND RE-ALLOCATION UPWARD

When an employee is promoted or his position is re-allocated to a higher pay grade, his salary should be set at a rate in the higher grade which results in a pay increase of approximately 5%, or to the minimum step of the new grade, whichever is greater. In the event a 5% increase places the employee out of a step on his assigned grade, he should be moved to the closest step.

4.07 DEMOTIONS

When an employee is demoted at own request or for cause to a position in a lower pay grade, pay should be assigned by the Personnel Director at a step within the lower grade, after consulting with the department head and City Manager. In no case shall the employee be paid less than would have been received had the original appointment been to the lower pay grade.

4.08 RE-ALLOCATION DOWNWARD

When an employee's position is re-allocated to a class in a lower pay grade, the employee shall be permitted to continue at the present rate of pay and receive merit increases to the maximum of the lower grade.

4.09 ANNIVERSARY DATES

*Amended by Ord. # 96-19
Amended by Ord. # 96-23*

For the purpose of longevity, the employee's anniversary date shall be the effective date of the initial appointment to full-time employment status to City Service.

For the purposes of salary increases, the anniversary date shall be that date one year from the effective date of the initial appointment to full-time employment status in City Service.

4.10 MERIT INCREASES

*Amended by Ord. # 96-19
Amended by Ord. # 96-23
Amended by Ord. # 2003-36*

Pay steps within a salary range are established to allow a means of rewarding an employee for merit, to encourage long-term careers with the city, to provide employee incentive, and to recognize individual differences in job performance. Increases within the salary schedule are not automatic.

Merit increases will be effective beginning the pay period after the anniversary date. An employee may be advanced to the next pay step or, in exceptional cases, to a higher pay step; increases will be based on job performance as appraised by the appropriate department head.

ORDINANCE NO. 96-19

AN ORDINANCE TO AMEND SECTION 4.09, SECTION 4.10, SECTION 16.03 PARAGRAPH A, AND SECTION 16.12 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 4.09 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.09 ANNIVERSARY DATES

For the purpose of longevity, the employee's anniversary date shall be the effective date of the initial appointment to full-time employment status to City Service.

For the purposes of salary increases, the anniversary date shall be October 1 of each year following the effective date of the initial appointment to full-time employment status in City Service.

Section 4.10 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.10 MERIT INCREASES

Pay steps within a salary range are established to allow a means of rewarding an employee for merit, to encourage long-term careers with the city, to provide employee incentive, and to recognize individual differences in job performance. Increases within the salary schedule are not automatic.

Merit increases will be effective beginning the pay period on or near the anniversary date of October 1 of each year as set by City Council. An employee may be advanced to the next pay step or, in exceptional cases, to a higher step; increases will be based on job performance as appraised by the appropriate department head.

Section 16.03 Paragraph A of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 16.03 COMPENSATION FOR OVERTIME

A. The term overtime is defined as more than eight (8) hours physically worked per day in a forty (40) hour, seven (7) day workweek, except for police and fire services. In these services, overtime will be governed according to hours physically worked over the maximum in a work period allowed by the Fair Labor Standards Act. By definition, work periods are as follows:

Work period (days)	Maximum hours standards	
	Fire protection	Law enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43